



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

HM12/0731

MARK PARBER  
ALEXION PHARMACEUTICALS  
352 KNOTTER DRIVE  
SUITE 360  
CHESHIRE CT 06410

7/31/01

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/407,200	06/07/95	022	GAMBEL, P	1644 07/31/01
First Named Applicant				

TITLE OF  
INVENTION

EVANS, 35 USC 154(b) term ext. = 0 Days.  
ANTIBODIES TO HUMAN COMPLEMENT COMPONENT C5

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 ALX 152.16IF	506 023.500	102	UTILITY	YES	0620.00	10/31/01

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

**PATENT AND TRADEMARK OFFICE COPY**

08/482,283

## Notice of Availability

### Applicant Aid for Biotechnology Computer Readable Form (CRF) Sequence Listings Submissions

The Patent and Trademark Office (PTO) has developed a computer program, called Checker, that will aid applicants in identifying and correcting errors prior to making submissions for compliance with the Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (sequence rules: 37 CFR 1.821 through 1.825). (Final rules were published in the *Federal Register* (55 FR 18230) on May 1, 1990, and in the PTO *Official Gazette* (1114 Off.Gaz.PatOffice 29) on May 15, 1990.)

Checker is a DOS-based software program that is intended to assist users in determining whether errors may be present in the sequence listings, and is not intended to guarantee that the submission is error-free.

The most current version of the software will be available via computer downloading (details below). Copies on diskette are also available. Updated software versions will not be automatically mailed out; any updates will be announced in the PTO *Official Gazette*.

The software can be accessed/requested in the following locations:

- 1) Dial-up access to the Patent and Trademark Office Bulletin Board System.  
Phone number: 703-305-8950  
Cost: Free-of-charge
- 2) Dial-up access through the Internet. FTP site: ftp.uspto.gov  
Login as "anonymous". Software is in directory /pub/checker  
Cost: Free-of-charge
- 3) For diskette copies, telephone requests to 703-306-2600.  
Cost: \$25.00

For Further Information Contact: ~~Meredith Beckhardt~~ at 703-308-4212.

Arti Shah

**Notice of Allowability**

Application No.

08/487203

Applicant(s)

EVANS ET AL.

Examiner

GAMBER

Art Unit

1644

35/N

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/4/01; 7/26/01
2. ☒ The allowed claim(s) is/are 1-8, 18-23, 25-33 RENUMBERED 1-8, 9-11, 14-23, 12, 13
3. ☒ The drawings filed on 5/4/01 are acceptable as formal drawings. (PAPER NO 32)
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

5. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION.**

6. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. ☐ Applicant MUST submit NEW FORMAL DRAWINGS  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review( PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.  
(b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the examiner.  
(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. _____  |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

**DETAILED ACTION**

1. Applicant's amendment, filed 5/11/0 (Paper No. 33), has been entered. Claims 9-17 have been canceled. Claim 24 has been canceled previously. Claim 27 has been amended.

Claims 1-8, and 18-23 and 25-33 are pending.

**EXAMINER'S AMENDMENT**

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

3. Authorization for this Examiner's Amendment was given in a telephone interview with Maurice Klee on 7/26/01.

4. Page 13, line 9 has been amended by inserting after "KSSKC epitope":  
-- (SEQ ID NO: 1) -- .

5. Page 33, line 5 has been amended by inserting after "KSSKC epitope":  
-- (SEQ ID NO: 1) -- .

6. Page 33, line 35 has been amended by inserting after "KSSKC epitope":  
-- (SEQ ID NO: 1) -- .

7. Page 34, line 3 has been amended by inserting after "KSSKC epitope":  
-- (SEQ ID NO: 1) -- .

8. Page 36, line 17 has been amended by inserting after "KSSKC epitope":  
-- (SEQ ID NO: 1) -- .

9. Page 36, line 27 has been amended by inserting after "KSSKC epitope":  
-- (SEQ ID NO: 1) -- .

### REASONS FOR ALLOWANCE

10. The following is an Examiner's Statement of Reasons for Allowance:

Upon reconsideration of applicant's amendment, filed 5/11/00 (Paper No. 33); the previous rejections have been withdrawn.


The Klee declaration under 37 C.F.R. § 1.132, filed 7/26/01 (Paper No. 34) in conjunction with the ATCC deposit information, filed 5/11/01 (Paper No. 33), are sufficient to overcome the previous objections/rejection of the instant claims based upon the deposit of biological materials under 35 U.S.C. § 112, first paragraph.

As indicated previously; the instant anti-C5 antibodies appear to be free of the prior art. The prior art does not appear to teach the anti-C5 antibodies, which bind the alpha chain of human C5, which inhibit complement, which inhibits human C5 binding to C3 or C4 and does not bind human free C5a of the claimed invention.

11. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (703) 308-3997. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014.

  
Phillip Gambel, Ph.D.  
Patent Examiner  
Technology Center 1600  
July 26, 2001